

Sentence Review Division
301 S. Park, Suite 328
P.O. Box 203005
Helena, MT 59620-3005
Phone: (406) 841-2976
Email: shellysmith@mt.gov

SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
STATE OF MONTANA

AUG 14 2020

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

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|--------------------|---|-------------------------------------|
| STATE OF MONTANA, |) | Cause No. DC-07-115 |
| |) | |
| Plaintiff, |) | Lake County District Court |
| |) | |
| -vs- |) | Montana Twentieth Judicial District |
| |) | |
| CASEY R. MCCORKLE, |) | DECISION |
| |) | |
| Defendant. |) | |

On January 30, 2020, the Defendant's suspended sentence was revoked for violation of the conditions and was sentenced to a commitment to the Department of Corrections for a term of five (5) years, with no time suspended, for the offense of Count I: Criminal Mischief, a Felony, in violation of §45-6-101, MCA. The Defendant was given 178 days credit for time served on this revocation. The Court recommended the Defendant be screened for any programs deemed appropriate by the Department of Corrections.

On August 6, 2020, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by videoconference from Butte Pre-Release and was represented by Dan Biddulph, Defense Counsel, who appeared by video conference from Missoula, Montana. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

It is the unanimous finding of the Division that the sentence imposed in the District Court is clearly excessive.

ORDER

Therefore, the Judgment of the District Court is AMENDED as follows:

The sentence imposed in this matter shall run concurrently with the sentences imposed in Flathead County Cause Numbers DC-05-029 and DC-07-528.

In all other aspects, the Judgment of the District Court is affirmed.

Done in open Court this 6th day of August, 2020.

DATED this 14th day of August, 2020.

SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chairperson



Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

Copies mailed or emailed this 14th day of August, 2020, to:

Clerk of District Court (Original)
Casey R. McCorkle #2108967, Defendant (2)
Hon. Deborah Kim Christopher
Dan Biddulph, Defense Counsel
Steven Eschenbacher, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Shelly Smith, Office Administrator
Sentence Review Division